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# Congress of the United States

## House of Representatives

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June 2, 2004

The Honorable John D. Ashcroft  
Attorney General of the United States  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

Dear Mr. Attorney General:

I write to request that you turn over to United States Attorney Patrick Fitzgerald the ongoing investigation of allegations that Pentagon officials have engaged in criminal wrongdoing in their handling of classified material and have engaged in unauthorized covert activities.

I am advised that you have assigned United States Attorney Paul McNulty, to handle this matter. While I have no reason to question Mr. McNulty's integrity, he is not a career prosecutor, but instead is a political appointee whose previous employment was principally with Republican politicians. In a case that has obvious political implications for an incumbent President running for re-election, any decision Mr. McNulty makes will be, fairly or unfairly, interpreted with an eye toward Mr. McNulty's political leanings. My concerns are further exacerbated by a press report which indicates that Mr. McNulty ordered the FBI not to move forward with planned arrests and has "put the brakes on" the investigation.

As you know, the Department's special counsel regulations are intended to ensure public confidence that prosecutors are free of political influence and to avoid placing the Department's political appointees in the untenable situation of choosing between their political benefactors and the impartial disposition of justice. However, your failure to see fit to appoint a single special counsel during your tenure as Attorney General does not make me optimistic that you would accede to a special counsel in this instance.

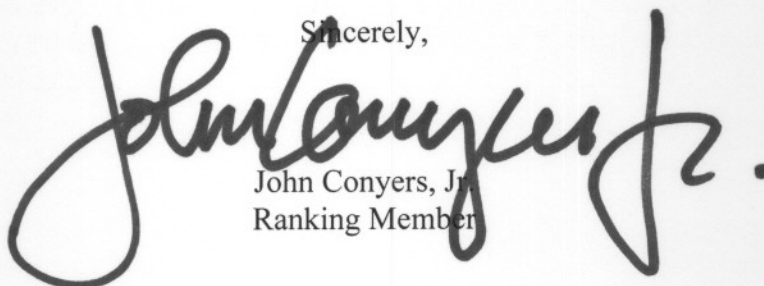
Given that reality, the next best alternative would be for you to turn this matter over to Patrick Fitzgerald, who is currently handling the investigation into the outing of a covert CIA operative, Valerie Plame. While he is not a special counsel, thus far, in his investigation, Mr. Fitzgerald appears to have undertaken a nonpartisan, aggressive and leak-free investigation. In addition, I believe a substantial factual nexus exists between Mr. Fitzgerald's current investigation and this one: both involve the leaking of classified information, both may involve

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overlapping targets, and both may involve the origin and distribution of faulty intelligence about Iraq and weapons of mass destruction.

I look forward to hearing whether you will assign Mr. Fitzgerald this case and, if not, the reasons for your decision. Please respond to my House Judiciary Committee office, 2142 Rayburn House Office Building. If you have any questions about this request, please contact Perry Apelbaum or Ted Kalo of my Judiciary Committee staff at 225-6906.

Sincerely,

A large, stylized handwritten signature in black ink, which appears to read "John Conyers, Jr." followed by a period.

John Conyers, Jr.  
Ranking Member

cc: The Honorable William E. Moschella  
Assistant Attorney General  
Office of Legislative Affairs

The Honorable Patrick J. Fitzgerald  
United States Attorney  
Northern District of Illinois

The Honorable F. James Sensenbrenner, Jr.  
Chairman  
U.S. House Committee on the Judiciary